

Variance Justification, 29 Mintwood Lane; permit 2022-02647.

Our request is to seek approval of a 2 ft variance to the 10 ft code setback between our western property line and the northwestern corner of our proposed 22.5' x 26.0' addition. This notice of noncompliance to our permit was passed to us by the Cecil County Chief of Zoning in late July. We would have submitted our request earlier but we were unable to have a surveyor complete work to validate the exact variance needed. This cottage has been in the family ownership since 1957; we are committed to working closely with county officials on all identified issues.

1. Background. Our project journey began in November 2021 with a meeting with Cecil County zoning officials to discuss our plans to remove an existing 10' x 27' shed/garage out building and build an addition using the footprint of the existing shed/barn plus the open space between the shed/barn and the existing house structure. At the first meeting we shared our 2005 survey plat and asked for guidance on what would be possible and any issues. Many limiting factors were discussed. We were given the following limitations which we accepted:

- **Rear of property.** The setback between the rear property line and the existing structure is 16'; any addition in the footprint of the shed/garage structure could not exceed 16'. **Impact/Action:** We accepted that the back wall of the addition must be same as the existing structure (this took away 3.5' of the shed/barn footprint).
- **Front.** At the addition front, the 110' setback line ("**Blue No Build line**") crosses right in front of the existing structure and addition with southwestern corner closest to the Blue Line. Zoning official guidance was to move the addition 6' behind the front of the existing structure so that the addition front wall is at least 3' away from the "Blue Line" at the closest point. **Action/Impact:** We accepted the guidance which led to 22.5' wide by 26.' long addition footprint; the western addition foundation wall is in the original footprint of old shed/barn.
- **Demolition of old shed/barn.** Zoning Officials were aware of the new footprint and that we were building the western foundation wall on the footprint of the old shed/barn. Officials gave us guidance for requesting a permit to demolish the shed/barn. **No mention was made that we would need to request a variance to the 10' property setback from the western property line.**

- **Plan and permit.** With Zoning Office guidance in hand, we drew up a draft site plan and created a model of the addition that documented previous zoning guidance on front and back setbacks. **No issue was ever mentioned that there was a mandatory 10' setback from the property line; we were just told to record the estimated distance from the addition to the western property line.** In the discussion we affirmed that the boundaries of the property were irregular and in the shape of a trapezoid where the distance from property line to the addition in the back of the property was very narrow but the left front corner was almost 3 times the distance. There was never any issue mentioned about using the old shed/barn foundation line as the western corner of the property.

Please see attachments: #1. Original plan; #2. Map data from zoning showing the blue line set back; #3. Modified plat for the permit showing addition location.

2. Permit submissions and feedback. Plans were then drafted by an architect. The Permit request was submitted in May 2022 and led to notice in July that the required setback between western property line and the corner of the addition, estimated at 7', was not in compliance with the 10' code set back requirement. This was a total surprise since we had previously thought we addressed all zoning issues. We agreed to conduct a new survey to validate and measure the exact distance from property line to the new addition. Due to delays in the availability of surveyors, I finally received the precise measurement survey in early October 2022.

Impact and request for approval of a 2' variance to the 10' code setback.

- Our new survey showed a precise distance of 8' between property line and corner of the addition - requiring a 2' variance. The impact of complying with 10 ft setback to the back corner, removes approximately 3' from the addition left side. Garage space was intentionally designed to accommodate a full size pickup width and length, a subcompact tractor plus tool storage. Removal of the space, approximately 3' x 26' eliminates 78 sq ft of space (13% reduction of 1st floor space) and 3' of width (21% reduction of 22.5'). Please see plan and front view drawing and plan impacts of a 10' setback if variance is not granted.
- **Please see attachment: #4. New 2022 survey - precise addition corner distances from western property line; #5. Addition PLAN VIEW footprint showing 2' variance and location of the 10' setback on the western addition foundation wall; #6 addition FRONT VIEW showing potential space reduction.**

- Under a more normal square property boundary without blue line constraints, the addition could be moved forward and all proposed space would be preserved. That is not possible in this situation since addition location is already at maximum allowable distance between rear setback and Blue Line.
- Neighbors at the western side of the property (39 Mintwood Lane) and back of the property (40 Partridge Lane) have written letters stating that they have no objection to granting the variance.

Please see attachments: #7 & #8 letters from Neighbors (39 Mintwood and 40 Partridge Lane)

3. Request the approval of 2' relief to the 10 setback standard - Summary

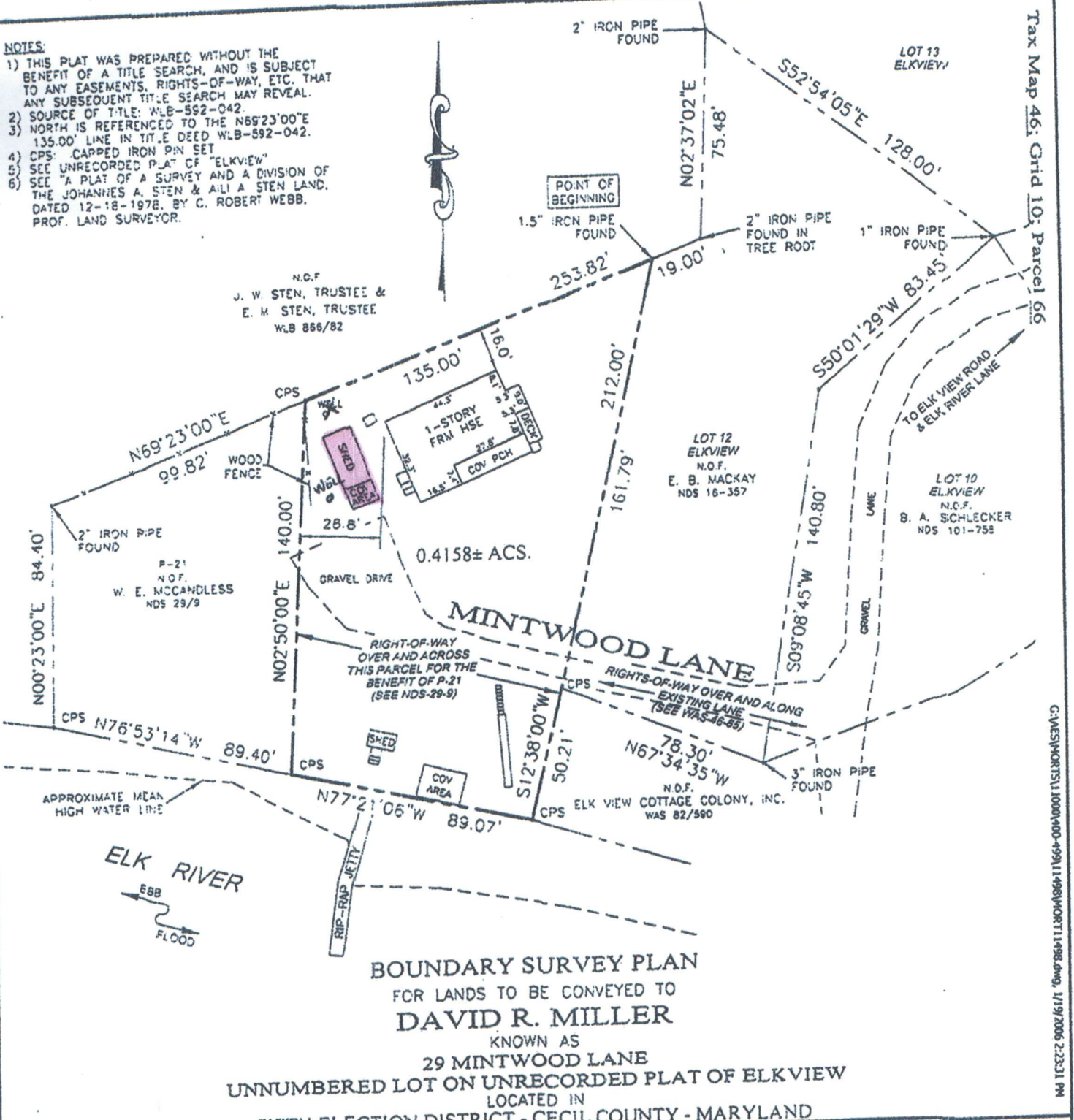
- We have made every attempt to meet county guidance by participating in two pre-permit sessions to seek county guidance and work issues; the western property line setback issue was a surprise because we thought the distance was governed by existing grandfathered structure (our shed barn was there for 60+ years); I was misinformed.
- Property geometry with a western property line at an angle to the proposed addition footprint reduces the rear western foundation wall by 3'. This forms a triangle of 3' by 3' by 4.6'; an area of approximately 4.5 sq ft ("**Triangle of Concern**"). Unfortunately, this shortfall cannot not be shifted to expand the front of the addition due to the required setback from the Blue line. The "**Triangle of Concern**" is only prevalent in the back corner of the property.
- If forced to comply with the 10' setback, the internal garage floor and the second floor will be reduced by 3' and the current plan will be unworkable as designed.
- Neighbors on western and north side of the property have no issue with the proposed variance request
- **Request for Approval.** Given these multiple factors: the initial design due diligence discussions with the County, the fact that the out of variance condition impacts only a small percentage of the project (4.5 sq ft of 585 sq ft footprint), and agreement by our neighbors that the variance is not an issue, we respectfully request the Boards' favorable review of our variance request.

EXISTING 29 MINTWOOD LANE

Tax Map 46: Grid 10: Parcel 66

NOTES:

- 1) THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH, AND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, ETC. THAT ANY SUBSEQUENT TITLE SEARCH MAY REVEAL.
- 2) SOURCE OF TITLE: WLB-592-042.
- 3) NORTH IS REFERENCED TO THE N69°23'00"E 135.00' LINE IN TITLE DEED WLB-592-042.
- 4) CPS: CAPPED IRON PIN SET
- 5) SEE UNRECORDED PLAT OF "ELKVIEW"
- 6) SEE "A PLAT OF A SURVEY AND A DIVISION OF THE JOHANNES A. STEN & AILI A. STEN LAND, DATED 12-18-1978, BY C. ROBERT WEBB, PROF. LAND SURVEYOR.



BOUNDARY SURVEY PLAN
 FOR LANDS TO BE CONVEYED TO
DAVID R. MILLER
 KNOWN AS
 29 MINTWOOD LANE
 UNNUMBERED LOT ON UNRECORDED PLAT OF ELKVIEW
 LOCATED IN
 FIFTH ELECTION DISTRICT - CECIL COUNTY - MARYLAND

THIS BOUNDARY SURVEY PLAN AND THE SURVEYING WORK ON WHICH IT IS BASED, WAS PREPARED UNDER MY DIRECT SUPERVISION, IN ACCORDANCE WITH STATE SURVEY STANDARDS FOR BOUNDARY SURVEYS

American
 Engineering & Surveying, Inc.
 224 EAST MAIN STREET
 ELKTON, MD 21921
 410-398-5000 Tel
 410-398-9615 Fax

Date: 17 JAN. 2006
 Scale: 1" = 50'
 Dwg No: 11524

TIMOTHY G. GRANGER
 PROFESSIONAL LAND SURVEYOR No. 21226

DATE

5

ATTACHMENT 1 (ORIGINAL)

C:\MES\MORTS\11000\400-699\11498\MORT11498.dwg, 1/19/2006 2:23:31 PM

29 MINTWOOD LANE
ADDITION



ADDITION
FOOT PRINT



BLUE LINE: 110' SET BACK

GREEN: HOUSE

DARK RED: GRAVEL

ORANGE: ROAD



6

29 MINTWOOD LANE
NORTHEAST MD 21901

PROPOSED FOOTPRINT

ADDITION (GARAGE/WORKSHOP/MUDROOM)
(2 BEDROOMS + BATH)

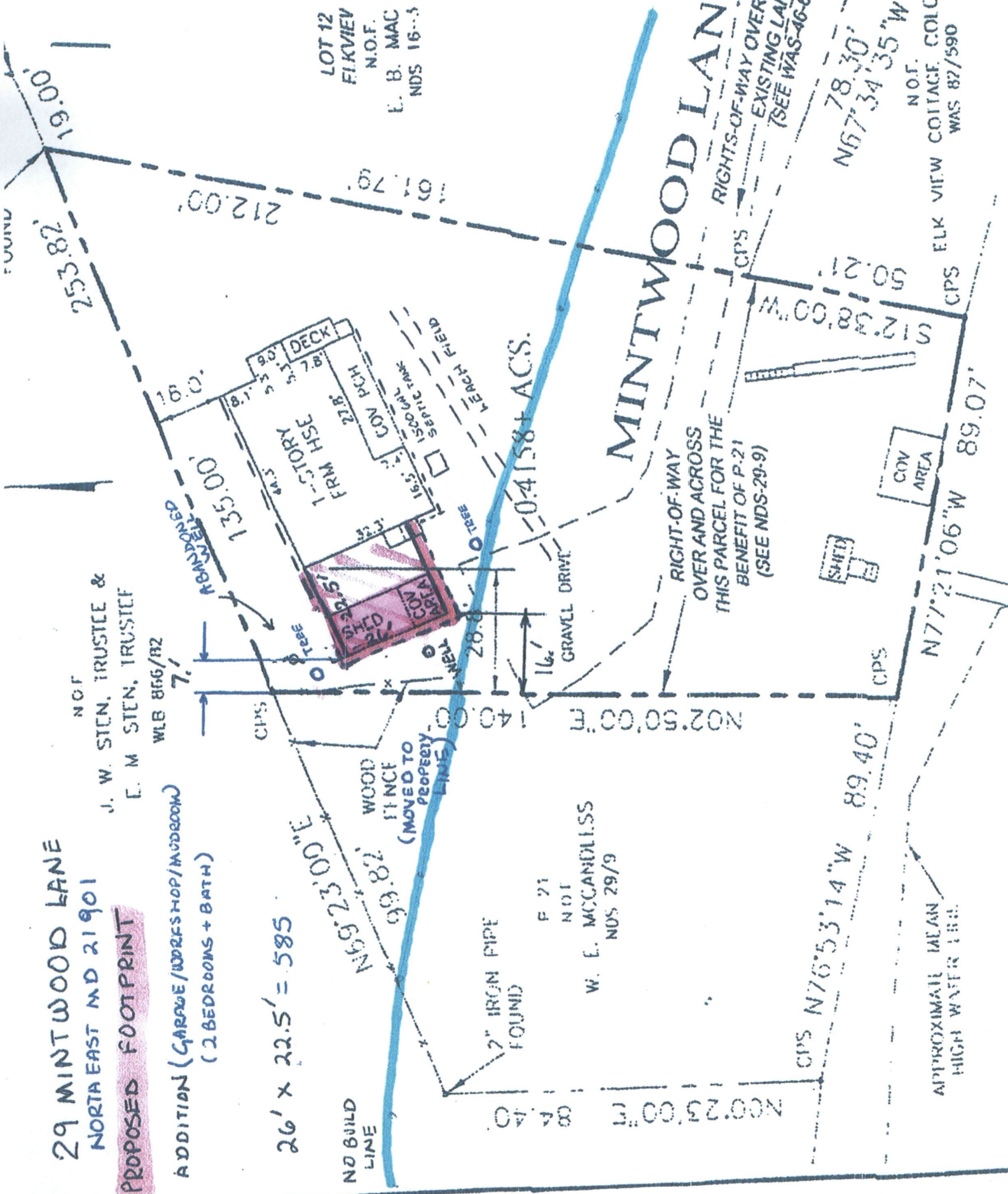
26' x 22.5' = 585

N.O.F.
J. W. STEN, TRUSTEE &
E. M. STEN, TRUSTEE
MLB 866/R2

LOT 12
ELKVIEV
N.O.F.
E. B. MAC
NDS 16...5

F 21
N.O.F.
W. E. MCCANDLESS
NDS 29/9

N.O.F.
ELK VIEW COITAGE, COLC
WAS 82/590
N67°34'35"W



THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
REFERENCE BOUNDARY SURVEY PLAT RECORDED IN LIBER WLB 2080 FOLIO 448-459.

THE PURPOSE OF THIS SURVEY EXHIBIT IS TO SHOW THE LOCATION OF THE PROPOSED ADDITION
AND THE DISTANCES OF THE PROPOSED ADDITION CORNERS TO THE EXSITING PROPERTY LINES.

SCALE: 1"=30'
DATE: 10/06/2022
AREA: 0.416 ACRES
SOURCE OF TITLE: CMN 5155/49
BEARING REFERENCE SYSTEM: WLB 2080/448
DISTRICT 05 ACCOUNT NO. 021901
DRAWING NO. 2022-1268

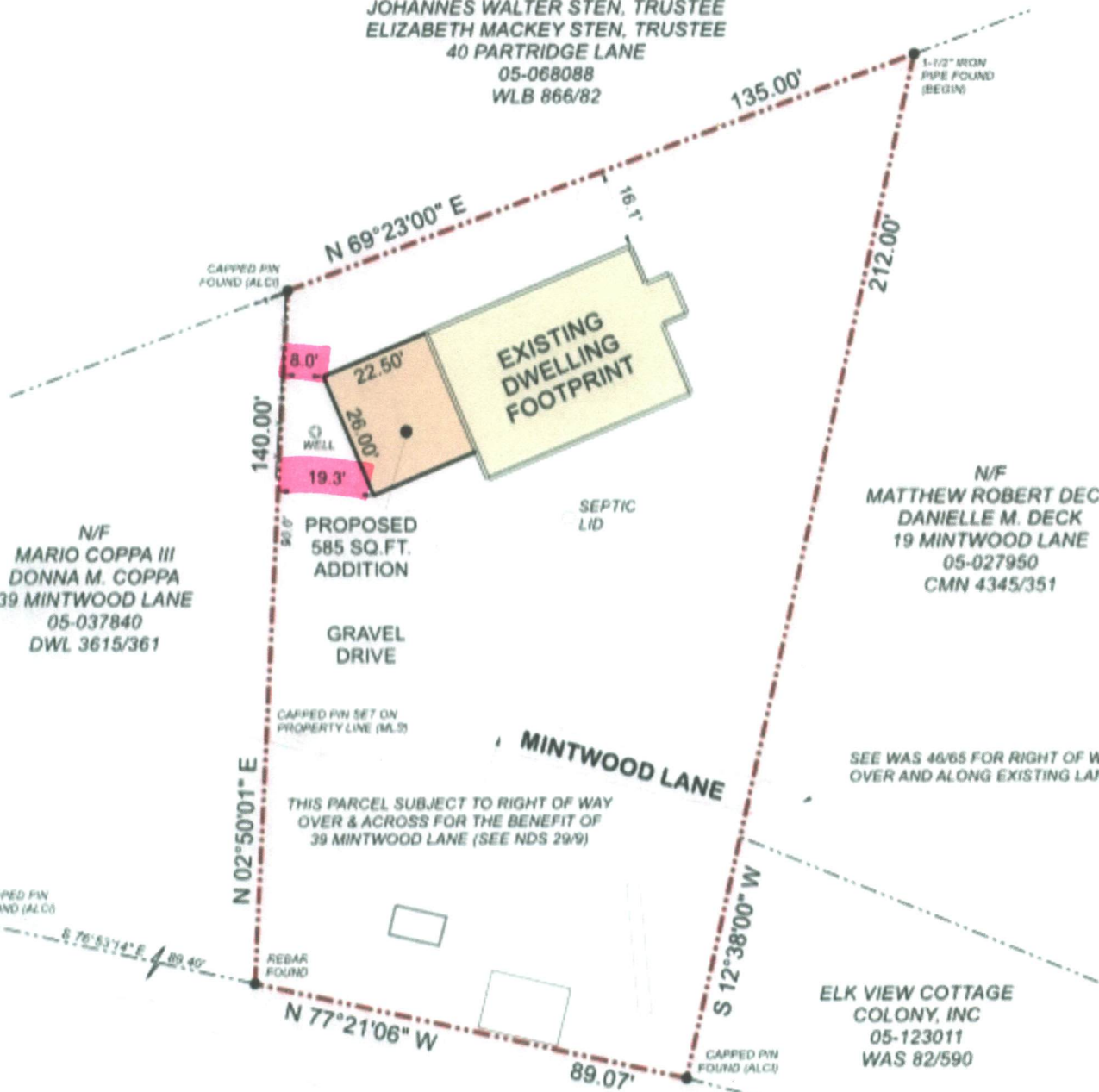


N/F
JOHANNES WALTER STEN, TRUSTEE
ELIZABETH MACKEY STEN, TRUSTEE
40 PARTRIDGE LANE
05-068088
WLB 866/82

N/F
MARIO COPPA III
DONNA M. COPPA
39 MINTWOOD LANE
05-037840
DWL 3615/361

N/F
MATTHEW ROBERT DECK
DANIELLE M. DECK
19 MINTWOOD LANE
05-027950
CMN 4345/351

ELK VIEW COTTAGE
COLONY, INC
05-123011
WAS 82/590

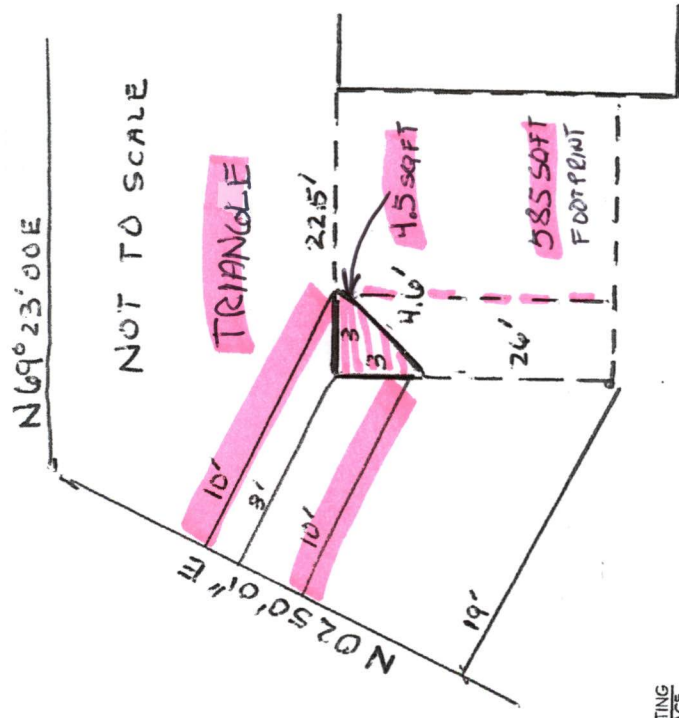
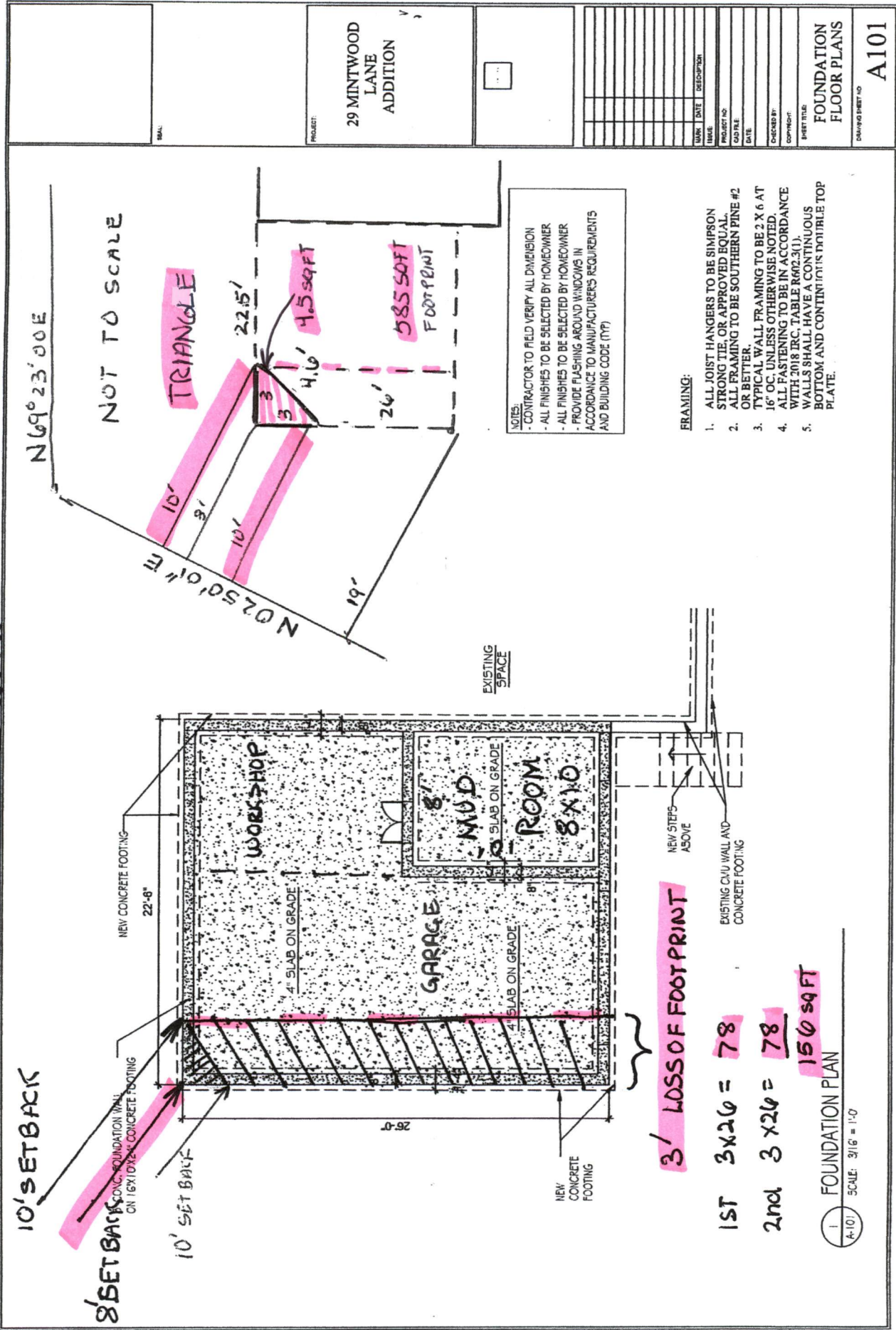


ELK RIVER

ATTACHMENT 4 (NEW SURVEY)



IMPACT



NOTES:

- CONTRACTOR TO FIELD VERIFY ALL DIMENSION
- ALL FINISHES TO BE SELECTED BY HOMEOWNER
- ALL FINISHES TO BE SELECTED BY HOMEOWNER
- PROVIDE FLASHING AROUND WINDOWS IN ACCORDANCE TO MANUFACTURER'S REQUIREMENTS AND BUILDING CODE (MFC)

- FRAMING:
1. ALL JOIST HANGERS TO BE SIMPSON STRONG TIE, OR APPROVED EQUAL.
 2. ALL FRAMING TO BE SOUTHERN PINE #2 OR BETTER.
 3. TYPICAL WALL FRAMING TO BE 2 X 6 AT 16" OC, UNLESS OTHERWISE NOTED.
 4. ALL FASTENING TO BE IN ACCORDANCE WITH 2018 IRC, TABLE R602.3(1).
 5. WALLS SHALL HAVE A CONTINUOUS BOTTOM AND CONTINUOUS DOUBLE TOP PLATE.

3' LOSS OF FOOTPRINT

1st 3 x 26 = 78

2nd 3 x 26 = 78

156 sqft

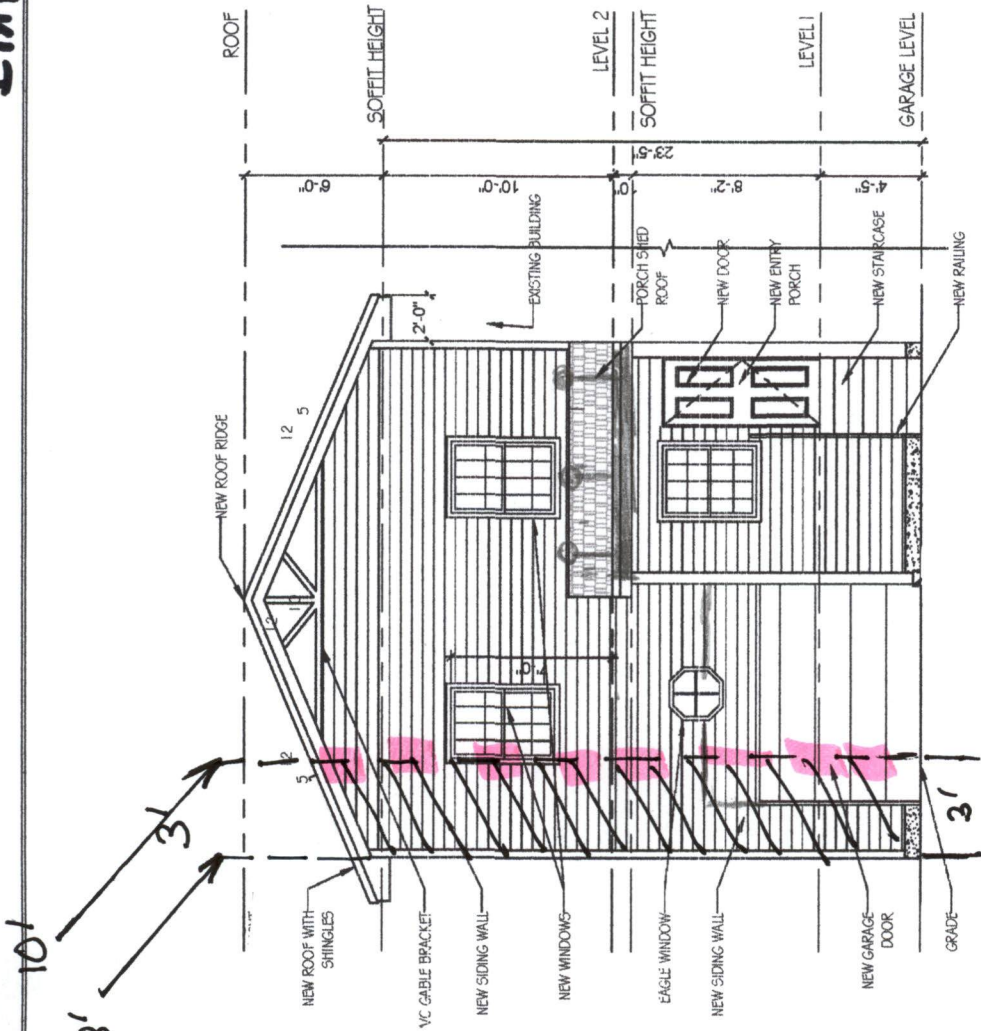
1 FOUNDATION PLAN
SCALE: 3/16" = 1'-0"

PROJECT:	29 MINTWOOD LANE ADDITION
DATE:	
DESCRIPTION:	
PROJECT NO:	
JOB NO:	
DATE:	
DESIGNED BY:	
CHECKED BY:	
DATE:	
SHEET TITLE:	FOUNDATION FLOOR PLANS
DRAWING SHEET NO:	A101

IMPACT

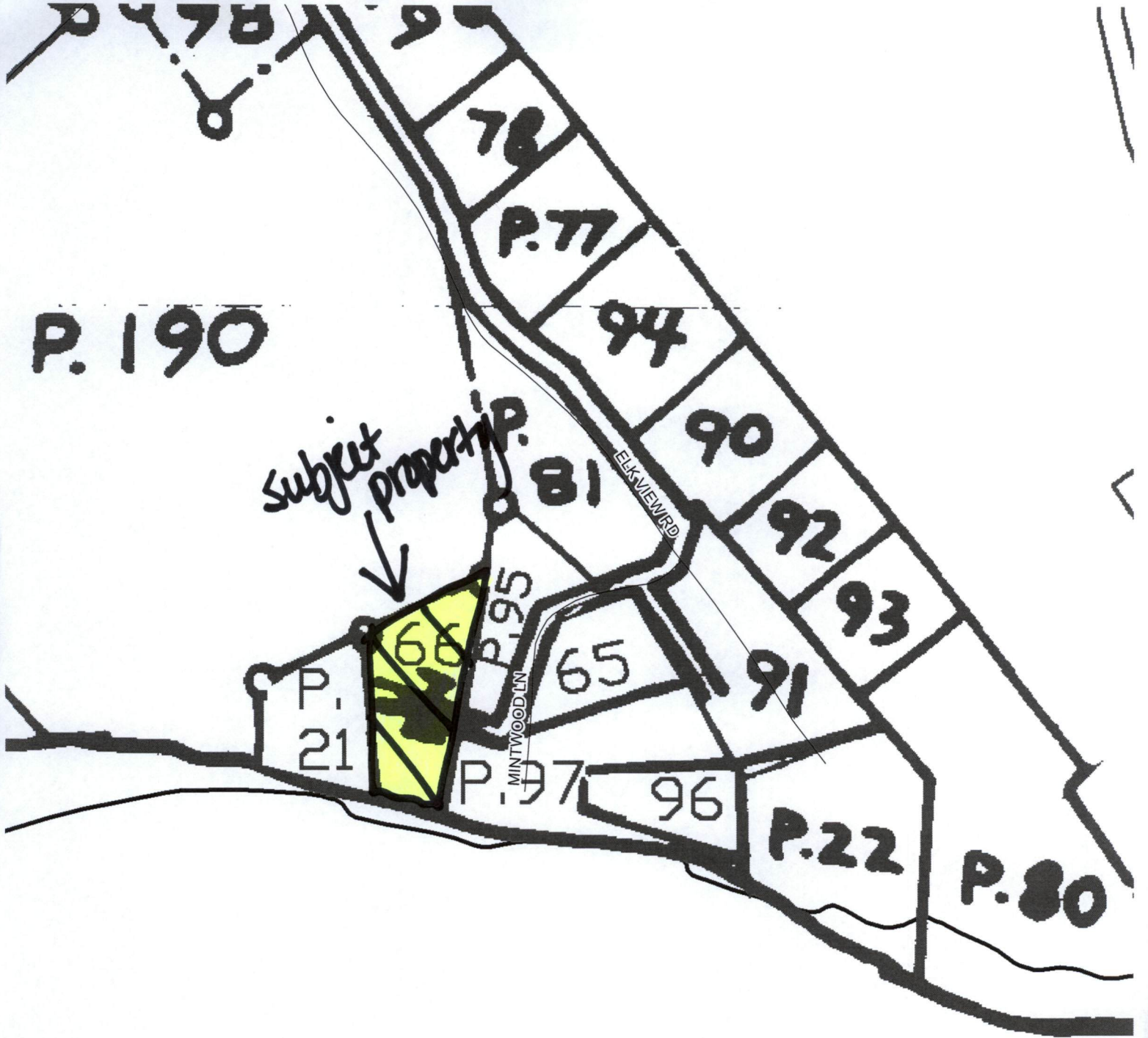
NOTE -

THE FRONT DORMER WINDOWS SHOULD BE MATCHING THE SHUTTERS AND WINDOWS WIDTH BELOW ON THE MAIN LEVEL WINDOWS. GC TO VERIFY WIDTH AND HEIGHT. THE FRONT PORCHES HAS A DORMER MATCHING THE EXISTING FRONT DOOR WIDTH 3'-0" +/- AND TWO SIDE WINDOWS MATCH SIDELIGHTS WIDTH; PLEASE MEASURE THE HEIGHT OF THE WINDOWS AND PROVIDE THE SAME HEIGHT.



1 FIRST ELEVATION
SCALE: 3/16" = 1'-0"
A-301

PROJECT		29 MINTWOOD LANE ADDITION	
MARK	DATE	DESCRIPTION	
PROJECT NO.			
CAD FILE			
DATE			
CHECKED BY			
COPYRIGHT			
ELEVATIONS			
A-301			



P. 190

subject property

FILE 4174 - VARIANCE
DAVID & MARGARET MILLER
MAP 46 PARCEL 66